



General Assembly

January Session, 2011

***Raised Bill No. 1166***

LCO No. 3800

\*03800\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE LENGTH OF PRETRIAL DETENTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 54-53a of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2011*):

3       (a) No person who has not made bail may be detained in a  
4       [community correctional center] correctional facility pursuant to the  
5       issuance of a bench warrant of arrest or for arraignment, sentencing or  
6       trial for an offense not punishable by death, for longer than forty-five  
7       days, unless at the expiration of the forty-five days [he] the person is  
8       presented to the court having cognizance of the offense. On each such  
9       presentment, the court may reduce, modify or discharge the bail, or  
10      may for cause shown remand the person to the custody of the  
11      Commissioner of Correction. On the expiration of each successive  
12      forty-five-day period, the person may again by motion be presented to  
13      the court for such purpose.

14      (b) Notwithstanding the provisions of subsection (a) of this section,  
15      any person who has not made bail and is detained in a [community  
16      correctional center] correctional facility pursuant to the issuance of a

17 bench warrant of arrest or for arraignment, sentencing or trial for an  
 18 offense classified as a class D felony or as a misdemeanor, except a  
 19 person charged with a crime in another state and detained pursuant to  
 20 chapter 964 or a person detained for violation of [his] parole pending a  
 21 parole revocation hearing, shall be presented to the court having  
 22 cognizance of the offense within thirty days of the date of [his] the  
 23 person's detention. On such presentment, the court may reduce,  
 24 modify or discharge the bail or may for cause shown remand the  
 25 person to the custody of the Commissioner of Correction. On the  
 26 expiration of each successive thirty-day period, the person shall again  
 27 be presented to the court for such purpose.

28 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
 29 section, any person who has not made bail may be heard by the court  
 30 upon a motion for modification of the bail at any time.

31 (d) Notwithstanding the provisions of subsections (a) and (b) of this  
 32 section, no person who has not made bail and is being detained for the  
 33 commission of no offense other than a misdemeanor may be detained  
 34 for a period of time that exceeds the maximum term of imprisonment  
 35 authorized for the most serious offense for which such person is being  
 36 detained. On the expiration of the period of time that equals such  
 37 authorized maximum term of imprisonment, the person shall be  
 38 presented to the court having cognizance of the offense and, on such  
 39 presentment, the court shall promptly order the release of such person  
 40 in accordance with section 54-64a upon the person's execution of a  
 41 written promise to appear without special conditions or a written  
 42 promise to appear with nonfinancial conditions found sufficient to  
 43 reasonably assure the appearance of the person in court.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	54-53a
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***Statement of Purpose:***

To create a more rational criminal justice system by ensuring that a person charged with a misdemeanor is not detained pretrial for a period longer than the term of imprisonment he or she would serve if convicted of that offense.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*